

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: COMMERCIAL MONEY CENTER, INC., EQUIPMENT LEASE LITIGATION	: : : : : : :	Case No. 1:02CV16009 (MDL Docket No. 1490) JUDGE O'MALLEY <u>ORDER</u>
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This action is before the Court upon the motion of Citibank, N.A. and JP Morgan Chase Bank, N.A. (collectively, "Chase") for attorney's fees, pursuant to Fed. R. Civ. P. 54(d)(2)(A) and this Court's Entry of Final Judgment (02-16009, Doc. 36) dated August 31, 2006. (02-16009, Doc. 38). Illinois Union has appealed this Court's Entry of Final Judgment, pursuant to a Notice of Appeal filed September 15, 2006. (Doc. 40).

On September 15, 2006, Illinois Union Insurance Company ("Illinois Union") also filed an unopposed motion for approval of bond and stay pending appeal (Doc. 41), which the Court granted on September 27, 2006. In light of the parties' agreement staying execution of the Judgment in this action pending the resolution of Illinois Union's appeal, as well as the complexity of the issues involved in this action, the Court finds that a stay of briefing and potential discovery in connection with the attorney's fees motion would best further the interests of economy and efficiency in the within action.

Accordingly, Chase's motion for attorney fees (02-16009, Doc. 38) is hereby termed without prejudice to renewal upon resolution of the pending appeal in these proceedings. Within ten (10) days of the issuance of a mandate order from the Sixth Circuit, or other order finally terminating proceedings before the Sixth Circuit, Chase shall file a notice in the within action

advising the Court of (1) the resolution or termination of appeal proceedings before the Sixth Circuit; and (2) Chase's desire to renew its interest in the within motion.

IT IS SO ORDERED.

s/ Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: October 5, 2006

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